

COORG LAND AND REVENUE REGULATION, 1899

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COORG LAND AND REVENUE REGULATION, 1899

A Regulation to amend and declare the Law in force in Coorg in respect of the Land and Revenue. Whereas, it is expedient to amend and declare the law in force in Coorg with respect to the making and maintenance of records-of-rights in land, the assessment and collection of land revenue, and other matters relating to land and the liabilities incident thereto; It is hereby, enacted as follows.

CHAPTER 1

Preliminary

1. Title, extent and commencement :-

(1) This Regulation may be called the Coorg Land and Revenue Regulation, 1899.

(2) It extends to the territories for the time being administered by the Chief Commissioner of Coorg; and

(3) It shall come into force on such date as the 2[State Government] may, by notification, appoint in this behalf.

2. . :-

¹ [Repeal] Repealed by Central Act I of 1938.

1. Substituted by A.O. 1950

3. Definitions :-

In this Regulation, unless there is anything repugnant in the subject or context.

- (1) "Revenue Officer" means a person having authority under this Regulation to discharge any of the functions of a Revenue Officer;
- (2) "Village Officer" means any Officer employed in or about the business of the revenue or of the surveys, assessment, accounts or records connected therewith, but does not include a "Revenue Officer;"
- (3) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of estates or other defined portions of territory;
- (4) "Estate" means any village or other area.
- (a) for which a separate record-of-rights has been framed; or
- (b) which the ¹[State Government] may, by general rule or special order, declare to be an estate.
- (5) "Holding" means any area which has been separately assessed to land revenue, or would have been so assessed if the land revenue had not been released, compounded for or redeemed.
- (6) "Holder" or "Landholder" signifies the person who is in possession of a holding or any share or portion thereof or in the enjoyment of any part of the profits thereof and who is bound by law, contract or local usage to pay land revenue direct to the Government, but does not include a tenant.
- (7) "Tenant" means a person who holds land under another person and is, or but for a special contract would be, liable to pay rent for that land to that other person.
- (8) "Survey mark" includes any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground or other object, whether natural or artificial set up, employed or specified by a Revenue Officer, in order to designate the boundary of any land.
- (9) "Publication", "Published", "Notification" and "Notified" refer to publication or notification in the Coorg District Gazette.
- (10) "Revenue" includes land revenue and cesses ² [x x x x x] and every other sum payable to the Government in accordance with law, contract or local usage in respect of the occupancy of land, or the use of its products, or the supply of water to it for irrigation; and

(11) "Moveable Property" includes growing crops and ungathered products of land.

1. Substituted by the A. O-1950
2. The words "and mohatarfa" omitted by the Coorg Land and Revenue (Amendment) Regulation, 1911 (IV of 1911)

CHAPTER 2

Revenue Officers

4. Classes of Revenue Officers :-

There shall be 3[three] classes of Revenue Officers, namely.

- (a) the Chief Commissioner;¹ [x x x x x;]
- (b) the Assistant Commissioner; and
- (c) the Subedar.

1. Deleted by Schedule II of Coorg Act VI of 1940

5. Chief Controlling Revenue Authority :-

The Chief Controlling Authority in all matters connected with the land revenue is vested in the ¹[State Government] subject to the control of the ² [Central Government] and all other Revenue Officers shall be subordinate to it.

1. Substituted by the A.O. 1950
2. Substituted by the A.O. 1937

6. . :-

¹ [x x x x x]

1. Deleted by Schedule III of Coorg Act VI of 1940

7. Assistant Commissioners :-

There shall be such number of Assistant Commissioners as the ¹[State Government] may, from time to time, sanction. They shall be appointed by ²[State Government], and shall perform such duties as the ³ [State Government] from time to time direct.

1. Substituted by the A.O. 1950
2. Substituted by the A.O. 1950
3. Substituted by the A.O. 1950

8. Taluks :-

(1) There shall be such taluks, and each taluk shall consist of such nads and estates, as may be notified by the ¹[State Government.]

(2) The present taluks, nads and estates, shall remain as they are for the purposes of this Regulation until altered by the ² [State Government.]

1. Substituted by the A.O. 1950

2. Substituted by the A.O. 1950

9. Subedars :-

The Chief Officer entrusted with the local revenue administration of a taluk shall be called a Subedar. He shall be appointed by ¹[State Government] and shall be subordinate to the ²[Assistant Commissioner]. His duties and powers shall be confined to the limits of his taluk and shall be such as may be expressly imposed or conferred upon him by this Regulation or the rules thereunder, or by any other law for the time being in force, or as may be imposed upon or delegated to him by the Assistant Commissioner under the general or special orders of the ³ [State Government.]

1. Substituted by the A.O. 1950

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by the A.O. 1950

10. Power to make rules regarding appointment, removal and duties of Subedars :-

The ¹ [State Government] may make rules for the appointment, removal and duties of Subedars.

1. Substituted by A. O. 1950

11. Conferment of powers of Revenue Officer :-

(1) The ¹[State Government] may, by notification, confer, on any person. ²[x x x x x;] all or any of the powers with which an Assistant Commissioner or a Subedar may be invested ³[under this Regulation] and may, in like manner, withdraw any powers so conferred.

(2) A person on whom powers are conferred under sub-section (1) shall exercise those powers within such local limits and in such classes of cases as the ⁴[State Government] may direct, and, except as otherwise directed by the ⁵[State Government] shall for all purposes connected with the exercise thereof be deemed to be ⁶[an] Assistant Commissioner or Subedar, as the case may be.

(3) If any of the powers of the ⁷[Assistant Commissioner] under this Regulation are conferred on a Subedar, they shall, unless the

⁸[State Government] by special order otherwise directs, be exercised by him subject to the control of the ⁹ [Assistant Commissioner.]

1. Substituted by A.O. 1950
2. Deleted by Schedule II of Coorg Act VI of 1940
3. Substituted by Schedule II of Act VI of 1940
4. Substituted by A.O. 1950
5. Substituted by AO. 1950
6. Substituted by Schedule II of Act VI of 1940
7. Substituted by Schedule II of Act VI of 1940
8. Substituted by A.O. 1950
9. Substituted by Schedule II of Act VI of 1940

12. Powers of Revenue Officers :-

Except where the class of the Revenue Officer by whom any function is to be discharged is specified in this Regulation, the ¹ [State Government] may, by notification, determine the functions to be discharged under this Regulation by any class of Revenue Officers,

1. Substituted by A.O. 1950

CHAPTER 3

Appeal, Review and Revision

13. Appeals :-

Save as otherwise provided by this Regulation, an appeal shall lie from an original or appellate order of a Revenue Officer as follows, namely.

¹[(a) to the Assistant Commissioner when the order is made by a Subedar;

(b) to the ² [State Government when the order is made by the Assistant Commissioner or by the Commissioner before the date on which the Coorg (Transfer of Functions Act, 1940) comes into force.]

Provided that, when an original order is confirmed on first appeal, a further appeal shall not lie.

1. Substituted by Schedule II of Act VI of 1940
2. Substituted by A.O. 1950

14. Limitation for appeals :-

Save as otherwise provided by this Regulation, the period of limitation for an appeal under the last foregoing section shall run

from the date of the order appealed against and shall be as follows, that is to say.

(a) when the appeal lies to ¹ [the Assistant Commissioner] thirty days;

(b) when the appeal lies to the Chief Commissioner ninety days.

1. Substituted by Schedule II of Coorg Act VI of 1940

15. Review by Revenue Officers :-

(1) A Revenue Officer may either of his own motion or on the application of any party interested, review, and on so reviewing, modify, reverse or confirm, any order passed by himself or by any of his predecessors in office: Provided as follows.

(a) when a Revenue Officer of a class below that of 4[Assistant Commissioner] proposes to review any order, passed whether by himself or by any of his predecessors in office, he shall first obtain the sanction of the 5[Assistant Commissioner;]

(b) an application for the review of an order may be summarily rejected, if it is not made within ninety days from the passing of the order, unless the applicant satisfies the Revenue Officer that he had sufficient cause for not making the application within that period;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order; and

(d) an order against which an appeal has been preferred, shall not be reviewed.

(2) No appeal shall lie from an order refusing to review, or confirming on review, a previous order.

16. Computation of periods of limitation for appeals and applications for review :-

In the computation of the period for an appeal from, or an application for the review of, an order under this Regulation, the limitation therefor shall be that prescribed by the Indian Limitation Act, 1877.

17. Power to call for records and revise proceedings of Revenue Officers :-

(1) The Chief Commissioner or the ¹[Assistant] Commissioner may at any time call for the record of any case pending before, or disposed of by, any Revenue Officer subordinate to him.

(2) If in any case it shall appear to the ²[State Government] or the ³ [Assistant] Commissioner that any decision or order or proceeding in a case so called for should be modified, annulled or reversed, he may pass such order thereon as he deems fit:

Provided that he shall not under this section pass an order modifying, annulling or reversing any order or proceeding of a subordinate Revenue Officer affecting any question of right between private persons without giving those persons an opportunity of being heard.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by A.O. 1950

3. Substituted by Schedule II of Coorg Act VI of 1940

CHAPTER 4

Procedure

18. Power to make rules as to procedure :-

(1) The [State Government] may make rules consistent with this Regulation for regulating the procedure of Revenue Officers in cases in which a procedure is not prescribed by this Regulation.

(2) Such rules may provide, among other matters, for the mode of enforcing orders of ejectment from, and delivery of possession of, immoveable property, and rules providing for those matters may confer on a Revenue Officer all or any of the powers in regard to contempts, resistance and the like, which a Civil Court may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery of possession of, such property.

(3) Subject to any rules made under this section, a Revenue Officer may refer any case which he is empowered to dispose of under this Regulation, to any other Officer for investigation and report, and may decide the case on the report of such other Officer.

19. Subordination of Revenue Officers :-

In all official acts and proceedings every Revenue Officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the Officer to whom he is

immediately subordinate.

20. Power of Revenue Officer to summon persons :-

(1) A Revenue Officer may summon any person whose attendance he considers necessary for the purpose of any business before him as such.

(2) Every person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) Every person attending in obedience to a summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the Revenue Officer may require.

21. Mode of service of summons :-

(1) Every summons shall, if practicable, be served (a) personally on the person to whom it is addressed, or failing him, on (b) his recognized agent, or on (c) an adult male member of his family usually residing with him.

(2) If service cannot be made as aforesaid, or if acceptance of service so made is refused, the summons may be served by posting a copy thereof on the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the taluk in which the Revenue Officer is employed and the case to which the summons relates has reference to land in that taluk, then by posting a copy of the summons on some conspicuous place on the land.

(3) If the summons relates to a case in which the persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue Officer so directs, be served by delivery of a copy thereof to such of those persons as the Revenue Officer nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

(4) A summons may, if the Revenue Officer so directs, be served on the person named therein by post, either in addition to, or in substitution for, any other mode of service.

22. Mode of serving notices :-

(1) Every notice or copy of a notice issued by a Revenue Officer for service on any person shall be served in the manner provided in the last foregoing section.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein unless when such error has produced substantial injustice.

23. Penalty for failure to attend in certain cases :-

Whoever, being required by a summons, notice, order or proclamation proceeding from a Revenue Officer to attend at a certain time and place within the limits of the nad in which he ordinarily resides, fails to comply with such requisition, shall be liable, at the discretion of the Revenue Officer to fine which may extend to fifty rupees.

CHAPTER 5

Parpattigars and Village Officers

24. Power to make rules respecting parpattigars and Village Officers :-

(1) The ¹[State Government] may make rules to regulate the appointment, duties, emoluments, punishment, suspension and removal of parpattigars and Village Officers. ² [x x x x x.]

1. Substituted by A.O. 1950

2. Sub-section (2) of Section 24 repealed by the Repealing and Amending (Rates and Cesses) Act, 1907 (IV of 1907)

25. Village Officers cess :-

Rep. by the Repealing and Amending (Rates and Cesses) Act, 1907 (IV of 1907).

26. Limit of cess :-

Rep. by the Repealing and Amending (Rates and Cesses) Act, 1907 (IV of 1907).

27. Restriction on attachment or assignment of emoluments :-

(1) The emoluments of a parpattigar or Village Officer shall not be liable to attachment in execution of a decree of any Civil Court.

(2) An assignment of, or charge on, or an agreement to assign or charge, any such emoluments shall be void.

CHAPTER 6

Record of Rights and Annual Records

28. . :-

x x x x.]

29. . :-

x x x x.]

30. . :-

x x x x.]

31. . :-

x x x x.]

32. . :-

x x x x.]

33. . :-

x x x x.]

34. . :-

x x x x.]

35. . :-

x x x x.]

36. . :-

x x x x.]

37. . :-

x x x x.]

38. . :-

x x x x.]

39. . :-

x x x x.]

40. . :-

x x x x.]

41. . :-

x x x x.]

CHAPTER 7

Government Rights in Land, and Encroachment on Public or Government Lands

42. All public roads, etc :-

and all lands which are not the property of others, belong to

Government. All public roads or thoroughfares, bridges, ditches, dykes and fences on or besides the same, beds of rivers, streams, nallas and tanks, and all canals and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals or of aggregates of individuals legally capable of holding property, except in so far as any rights of such individuals may be established in or over the same and save as may be otherwise provided by any law for the time being in force, are, and are hereby declared to be, with all rights in or over the same or appertaining thereto, the property of the Government; and it shall be lawful for the ¹ [Assistant Commissioner] to dispose of such property as aforesaid in such manner as may be authorised by the Government, subject always to the rights of way and all other rights of the public or individuals legally subsisting.

1. Substituted by Schedule II of Coorg Act VI of 1940

43. Summary eviction in case of encroachments upon public roads, etc., and Government land :-

(1) When any public road or thoroughfare, or any bridge, ditch, dyke or fence on or beside the same, or the bed of any river, stream, nalla, tank, canal or water-course, or any land, the property of the Government, has been unauthorizedly occupied by any person, the ¹[Assistant Commissioner] may, after due inquiry has been made and recorded by a Revenue Officer and provided that the unauthorised occupation is of less than twelve years standing, summarily evict the occupier and confiscate any crop he may have raised on the land, and, if not removed by him after such written notice as the ²[Assistant Commissioner] may deem reasonable, take possession of any building or other construction the occupier may have erected on the land and dispose of it as he may deem proper.

(2) The proceedings of the ³ [Assistant Commissioner] under subsection (1) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

44. Relinquishment and re-occupation of lands :-

(1) Any land-holder or, where there are more landholders than one,

such land-holders may, by giving written notice to a Revenue Officer, relinquish his or their entire holding to the Government.

(2) Such relinquishment shall take effect from such date as the ¹[State Government] may by rule direct and the notice must be given not less than one month before such date.

(3) Any person desirous of taking up land which has been relinquished under sub-section (1), must obtain the permission in writing of a Revenue Officer, and the ² [Assistant Commissioner] may summarily evict any person from such land if no such permission has been obtained by him.

1. Substituted by A.O. 1950

2. Substituted by Schedule II of Coorg Act VI of 1940

45. Summary eviction in case of alienation of certain lands

:-

¹Except with the permission of the Assistant Commissioner recorded in each case in writing under the general or special orders of the ² [State Government], the alienation of lands of which the land revenue has been wholly or partly assigned or released by sale, gift, mortgage or otherwise, and also sales, gifts, mortgages or release of maintenance shares of such lands in a family patta in favour of members of the same family are prohibited and the Assistant Commissioner may summarily evict any person from such lands if so alienated and take possession of them on behalf of the Government. 'Family' for the purpose of this section means and includes direct descendants in the male line of the original grantee of the land.

1. Substituted by Act II of 1947

2. Substituted by the A.O.1950

46. Procedure in cases of eviction from wrongful possession

:-

(1) When under either of the three last foregoing sections or under any other law for the time being in force t h e ¹[Assistant Commissioner] evicts any person wrongfully in possession of land, such eviction shall be made in the following manner, namely.

(a) by serving a notice on the person in possession, requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land; and

(b) if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same.

(2) If the officer removing any person under sub-section (1) is resisted or obstructed by any person, the ² [Assistant Commissioner] shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, issue a warrant for the arrest of the said person; and on his appearance commit him to close custody in the office of any Revenue Officer or send him with a warrant in the form set forth in the Second Schedule, for imprisonment in the Civil jail of the district for such period, not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

47. Rights of Government in mines, etc :-

(1) Unless it is otherwise expressly provided by the terms of any grant made, or of any other instrument of transfer executed, by the Government, the right to all mines, minerals and quarries and to all earth-oil and gold washings and sandalwood trees in all lands and to all sub-soil rights in bane lands, and the right to take from all lands stones or material for repair of public roads, shall vest in the Government, and the Government shall have all the powers necessary for the proper enjoyment or disposal of such right.

(2) If for the purpose of the exercise of any of the rights referred to in this section, either by the Government or by any person acquiring such rights from the Government, any land in the holding or enjoyment of others is required, such land may be acquired in accordance with the provisions of the Land Acquisition Act, 1894 (I of 1894); and whenever, in the exercise of any of the rights aforesaid any damage is caused to any landholder by the disturbance of the surface of such land, and such landholder and the Government are unable to agree as to the amount of compensation to be paid to the former in respect of such damage, the amount shall be determined in accordance with the said

provisions.

CHAPTER 8

Assessment

48. Liability of all land to assessment :-

(1) All land, to whatever purpose applied and wherever situate, is liable to the payment of land revenue to the Government, except such land as has been wholly exempted from that liability by special contract with the Government or by the provisions of any law for the time being in force.

(2) The holder of every holding shall be liable for the payment of the land revenue assessed thereon; and, where there are two or more holders of the same holding, the ¹ [Assistant Commissioner] shall decide who shall be primarily liable for the land revenue.

(3) Land may be assessed to land revenue notwithstanding that that revenue, by reason of its having been assigned, released, compounded for or redeemed, is not payable to the Government.

1. Substituted by Schedule II of Coorg Act VI of 1940

49. Notification of intended re-assessment, and instructions as to principles of assessment :-

(1) A general reassessment of the land revenue shall not be undertaken without the notification of the previous sanction of the ¹[Central Government.]

(2) In granting such sanction the ² [Central Government] may prescribe such principles of assessment and give such other instructions as he thinks fit.

1. Substituted by A.O. 1937

2. Substituted by A.O. 1937

50. Mode of determining assessment :-

(1) The assessment shall be made by a Revenue Officer.

(2) Before making the assessment the Revenue Officer shall report his proposed method of assessment for the sanction of the ¹[State Government] in such form as the ² [State Government] may prescribe.

1. Substituted by A.O.1950

2. Substituted by A.O. 1937

51. Announcement of assessment :-

(1) When the Revenue Officer has obtained the sanction of the ¹[State Government] to his proposed method of assessment, he shall make an order determining the assessment proper for each holding, and announce it in such manner as the ² [State Government] may prescribe.

(2) At the time of announcing the assessment the Revenue Officer shall also declare the date from which it is to take effect, and, subject to the other provisions of this Regulation, it shall take effect accordingly.

1. Substituted-by A.O. 1950

2. Substituted by A.O.1950

52. Application for reconsideration of assessment :-

(1) Any landholder assessed to land revenue under the foregoing provisions may, within thirty days from the date of the announcement of the assessment, present a petition to the Revenue Officer for reconsideration of the amount, form or conditions of the assessment.

(2) Where the land revenue is assigned, the assignee thereof may, within thirty days from the date aforesaid, present a like petition to the Revenue Officer.

(3) The order passed by the Revenue Officer on the petition shall set forth his reasons for granting or refusing it.

53. Confirmation and duration of assessment :-

(1) No assessment of the land revenue shall be considered final until it has been confirmed by the ¹[State Government.]

(2) The ²[State Government] may modify the assessment of any holding at any time before it is confirmed by him.

(3) The ³[State Government] shall, when confirming an assessment under this section, fix the period for which the assessment is to be in force: ⁴ [x x x x x.]

1. Substituted by A.O. 1950

2. Substituted by A.O. 1950

3. Substituted by A.O.1950

4. The proviso to sub-section 3 of Section 53 repealed by the Coorg Land and Revenue Amendment Regulation, 1911

54. Assessment to remain in force until new assessment takes effect :-

Notwithstanding the expiration of the period fixed for the continuance of an assessment under sub-section (3) of the last foregoing section, the assessment shall remain in force till a new assessment takes effect.

55. Special assessments :-

(1) Special assessments may be made by Revenue Officers in any of the following cases, namely.

(a) when land revenue which has been released or assigned is resumed;

(b) when waste lands are sold, leased or granted by the Government;

(c) when the assessment of any land has been annulled;

(d) when, in the opinion of the ¹[State Government] assessments of land revenue require revision in consequence of the action of water or sand or of calamity of season or from any other cause;

(e) when revenue due to the Government on account of pasture or other natural products of land, or on account of mills, fisheries or natural products of water, or on account of any of the other rights described in Section 47 has not been included in an assessment

(f) when water the right to which vests in the Government or which has been available in consequence of the construction, improvement or repair of any irrigation or other work by the Government is made use of by landholders and other persons for the irrigation of land.

(2) The ²[State Government] may make rules for the guidance of Revenue Officers in making such special assessments.

(3) The foregoing provisions of this Chapter with respect to general assessments, shall, subject to such modifications thereof as the ³[State Government] may, by rules under the last foregoing sub-section, prescribe, regulate the procedure of Revenue Officers in making such special assessments.

1. Substituted by A.O.1950

2. Substituted by A.O.1950

3. Substituted by A.O. 1950

56. Security for the revenue :-

(1) The land revenue for the time being assessed on a holding shall be the first charge upon the rents, profits and produce thereof, and of any other holding in the possession of the same holder.

(2) Except with the previous consent of the ¹ [Assistant Commissioner], the rents, profits or produce of a holding shall not be liable to be taken in execution of a decree or order of any Court until the land revenue chargeable against the rents, profits or produce and any arrear of land revenue due in respect of the holding have been paid.

1. Substituted by Schedule II of Coorg Act VI of 1940

57. Time for payment of revenue :-

Revenue shall be paid to the ¹[Assistant Commissioner], or to an Officer empowered by the ²[Assistant Commissioner] in this behalf, on or before the day on which it falls due according to the kist-bandi or other engagement, or, where no particular day is fixed, then within the time when the payment falls due according to local usage:

Provided that the ³ [State Government] may, by notification, alter and fix the amount of the several kists or instalments and the dates at which they are to become payable.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by A.O. 1950

3. The words "with the previous sanction of the Governor-General in Council"

58. Rules to regulate collection, remission and suspension of land revenue :-

(1) The ¹[State Government] may make rules consistent with this Regulation to regulate the collection, remission and suspension of land revenue, and may, by such rules, determine the circumstances and terms in and on which assigned land revenue may be collected by the assignee.

(2) Where land revenue due to an assignee is collected by a Revenue Officer, there shall be deducted from the sum collected such a percentage on account of the cost of collection as the

²[State Government] may by rule in this behalf prescribe.

(3) A suit for an arrear of assigned land revenue shall not be entertained unless there is annexed to the plaint at the time of the presentation thereof a document under the hand of the ³ [Assistant Commissioner] specially authorizing the institution of the suit.

1. Substituted by A.O.1950

2. Substituted by A.O.1950

3. Substituted by Schedule II of Coorg Act VI of 1940

59. Certified account to be evidence as to arrear :-

A statement of account certified by a Revenue Officer shall be conclusive proof of the existence of an arrear of land revenue, of its amount and of the person who is the defaulter.

60. Arrear of revenue :-

(1) When an instalment or a part of an instalment of revenue is not paid on or before the day prescribed by or under Section 57, the ¹[Assistant Commissioner] may at once levy the instalment, or the part of the instalment, as the case may be, in addition to such charge by way of penalty and as costs of process as may be authorized by rules made by the ² [State Government] 6[xxx xxx xxx] in this behalf.

(2) Any sum leviable under sub-section (1) shall, for the purposes of this Chapter, be deemed to be an arrear, and the landholder from whom it is leviable, to be a defaulter.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by A.O. 1950

61. Recovery of arrears :-

An arrear may be recovered by any one or more of the following processes, namely.

(a) by serving a written notice of demand on the defaulter;

(b) by serving a summons on the defaulter requiring him, in default of payment of the arrear on or before a day to be specified in the summons, to appear before, and explain the default to, the ¹ [Assistant Commissioner] or the Subedar of the taluk in which the arrear accrued, as the summons may direct;

(c) by the arrest and imprisonment of the defaulter;

(d) by distraint and sale of any movable property belonging to the

defaulter, or of the growing crops or ungathered products of the land in respect of which the arrear is due, whether those crops or products do or do not belong to the defaulter;

(e) by attachment, or by attachment and sale, of any land or other immovable property belonging to the defaulter.

1. Substituted by Schedule II of Coorg Act II of 1940

62. Time for issue of process :-

(1) A notice of demand may be issued on or after the day following that on which the arrear becomes leviable.

(2) Except by the special written order of the ¹ [Assistant Commissioner], a summons under clause (b), or a warrant of arrest under clause (c), or a process of distraint or attachment under clause (d) or clause (e), of the last foregoing section shall not be issued for the recovery of an arrear unless a notice of demand for the arrear or for some part thereof has been served on the defaulter at least seven days previously.

1. Substituted by Schedule II of Coorg Act VI of 1940

63. Form and service of notice of demand :-

(1) A notice of demand shall be in writing signed by the Officer issuing it and shall set forth.

(a) the name of the defaulter;

(b) the land in respect of which the arrear is due;

(c) the amount of the arrear and particulars thereof;

(d) the time allowed for payment of that amount; and

(e) a warning to the defaulter that, if he fails to pay the amount within that time, he shall be liable, as a defaulter, to have his movable property distrained and his land or other immovable property attached.

(2) The time set forth in the notice as the time allowed for payment of the arrear shall be fixed with reference to the distance of the land in respect of which the arrear is due from the place at which the payment is to be made.

(3) A notice of demand shall be served by delivering a copy to the defaulter or to some adult male member of his family at his usual

place of residence, or to his authorised agent, or by posting a copy thereof on

64. Summons to defaulter :-

(1) At any time after the expiration of seven days from the date of the service of a notice of demand, or sooner, if the ¹[Assistant Commissioner] makes a special written order in this behalf, a summons may be issued to a defaulter requiring him, in default of payment of the arrear on or before a day to be specified in the summons, to appear before, and explain the default to the ²[Assistant Commissioner] or the Sudedar of the taluk in which the arrear accrued, as the summons may direct.

(2) The summons shall set forth the matters stated in Section 63, sub-section (1), clauses (b) and (c), and shall be served in the manner prescribed for the service of a notice of demand.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

65. Arrest and imprisonment of defaulter :-

(1) In any case in which a defaulter summoned to appear before the ¹[Assistant Commissioner] under the last foregoing section fails to appear, the ²[Assistant Commissioner] may issue a warrant directing an Officer named therein to arrest the defaulter and bring him before him.

(2) When a defaulter appears before the ³[Assistant Commissioner] under this or the last foregoing section, the ⁴[Assistant Commissioner] may keep him under personal restraint for a period not exceeding ten days, and then, if the arrear is still unpaid, may send him with a warrant, in the form set forth in the third schedule, to the Officer-in-charge of the civil jail, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the ⁵ [Assistant Commissioner] may think fit.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

4. Substituted by Schedule II of Coorg Act VI of 1940

5. Substituted by Schedule II of Coorg Act VI of 1940

CHAPTER 9A

Distrain and Sale of Movable Property

66. Time for making distraint :-

When the arrear has not been paid in pursuance of the terms of the notice of demand and no arrangement for securing the payment thereof has been entered into to the satisfaction of the ¹[Assistant Commissioner], or of an Officer empowered by the ²[Assistant Commissioner] in this behalf, the ³[Assistant Commissioner], or an Officer empowered by the ⁴ [Assistant Commissioner] in this behalf, may order the distraint and sale of such movable property as is described in Section 61, clause (d).

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

4. Substituted by Schedule II of Coorg Act VI of 1940

67. Procedure in distraint :-

(1) An order under the last foregoing section shall set forth.

(a) the matters stated in Section 63, sub-section (1), clauses (b) and

(b) a warning to the defaulter that such property as may be distrained will be brought to sale under this Chapter unless the arrear is discharged.

(2) A copy of the order signed by, or on behalf of, the Officer making it shall be given to the distrainer and shall be his authority for making the distraint, unless, before it is made, the defaulter pays the arrear to him or satisfies him that the arrear has been paid to the Government.

(3) As soon as may be after the making of a distraint, and at the latest within three days thereafter, the distrainer shall serve on the defaulter a copy of the order with an endorsement thereon specifying the property which has been distrained, and the place where that property is.

(4) The copy so endorsed shall be served on the defaulter in the manner prescribed for the service of a notice of demand.

(5) When the copy of the order has been so served, the distrainer shall transmit an inventory of the property distrained to the nearest Officer empowered under this Chapter to sell distrained property, in order that the property may be publicly sold for the discharge of the arrear.

68. Withdrawal of distraint on tender of arrear :-

Where a defaulter tenders to the distrainer payment of the arrear after the distraint of his property and before the sale thereof, the distrainer shall receive the arrear and forthwith release the property.

69. Disposal of distrained crops :-

(1) When a distrainer attaches growing crops or ungathered products of land, he may cause them to be sold when fit for reaping or gathering, or may, in his discretion, cause them to be reaped or gathered in due season and stored in proper places until they are sold.

(2) In the latter case the expense of reaping or gathering and storing the crops or products shall be defrayed by the owner upon his redeeming them, or from the proceeds of the sale in the event of the crops or products being sold.

70. Distraint of crops of a tenant :-

(1) When growing crops or ungathered products belonging to a tenant have been distrained for the recovery of an arrear, the tenant may pay the arrear and deduct the amount thereof from any rent due from him, then or afterwards, to the defaulter.

(2) When crops or products belonging to a tenant have been sold, the tenant may deduct the value thereof from any rent due from him, then or afterwards, to the defaulter in respect of the land on which the crops or products were grown.

71. Treatment of distrained property :-

(1) A distrainer shall not work distrained cattle or suffer them to be worked, or make use of distrained goods or effects or suffer them to be made use of.

(2) Necessary food for distrained cattle shall be provided by the distrainer, and the cost thereof shall be defrayed by the owner upon his redeeming the cattle, or from the proceeds of the sale in the event of the cattle being sold.

72. Responsibility for distrained property :-

(1) Where distrained cattle or goods are lost or damaged by reason of necessary precautions for their due preservation not having been taken, or of their having been worked or made use of, as the case

may be, in contravention of the last, foregoing section, the amount of the loss or damage shall, on the application of the owner of the property, be determined by the ¹[Assistant Commissioner] and be recoverable by him under this Chapter as an arrear from the Officer whose neglect or act occasioned the loss or damage, and the amount when recovered shall be paid to the person injured.

(2) An order refusing an application under sub-section (1), or determining on such an application the amount of any loss or damage, shall subject to the result of any appeal preferred to the ²[State Government] within thirty days from the date of the order, be final.

1. Substituted by Schedule II of Coorg Act IV of 1940

2. Substituted by A. O. 1950

73. Distraint not to be excessive :-

The property distrained shall be, as nearly as possible, proportionate to the amount of the arrear.

74. Protection of necessary cattle, seed-grains and implements from distraint :-

(1) Such cattle, seed-grain and agricultural implements as may be required by the defaulter for the purpose of cultivation shall be exempt from distraint.

(2) If the question arises whether or not any cattle, seed-grain or implements should be held to be exempt from distraint under sub-section ¹ [Assistant Commissioner], whose decision thereon shall be final.

1. Substituted by Schedule II of Coorg Act VI of 1940

75. Time for making distraint :-

Distraint shall be made after sunrise and before sunset.

76. Fraudulent transfer of property to prevent distraint :-

(1) Where a defaulter makes a fraudulent transfer of property for the purpose of preventing distraint for an arrear, any Civil Court of competent jurisdiction shall, upon the application of the distrainer and proof of the fraudulent nature of the transfer cause the property to be delivered up to the distrainer.

(2) Nothing in sub-section (1) shall be construed to bar a prosecution under the Indian Penal Code.

77. Land-revenue demand first charge on the land :-

The title of the Government to the revenue due in respect of any land and to any charge leviable in respect thereof under Section 60 shall be held to prevail over any claim to growing crops or ungathered products on the land, or any claim to any crops or products reaped or gathered on the land during the year in respect of which an arrear is due or any claim to the proceeds of any such growing or reaped crops or ungathered or gathered products in the possession or under the control of the defaulter or of any Court, whether the claim to the crops or products, or to the proceeds thereof, is founded upon a sale, mortgage, decree, or otherwise howsoever.

78. Penalty for forcibly or clandestinely taking away distrained property :-

(1) Where it is proved to the satisfaction of a Civil Court of competent jurisdiction that distrained property has been forcibly or clandestinely taken away, the Court may, upon the application of the distrainer, cause the property to be restored to him.

(2) Nothing in sub-section (1) shall be construed to bar a prosecution under the Indian Penal Code, 1860 (XLV of 1860).

79. Forcing of houses by distrainer :-

The distrainer may force open any stable, cow-house, granary, godown, out-house or other like building, and may enter any dwelling-house of which the outer door is open, and break open the door of any room in that dwelling house for the purpose of distraining property belonging to a defaulter and deposited therein:

Provided that the distrainer shall not, except as provided in the next following section, break open or enter any apartment which is appropriated for the residence of women and by the usage of the country is considered private.

80. Forcing of outer doors and female apartments by distrainer :-

(1) Where a distrainer is of opinion that the property of a defaulter is deposited in a dwelling house of which the outer door is shut, or within an apartment which is appropriated for the residence of women and by the usage of the country is considered private, the distrainer shall represent his opinion to the Officer-in-charge of the nearest police station.

(2) On such representation, the Officer-in-charge of the station shall send to the spot a Police Officer, in whose presence the distrainer may break open the outer door of the dwelling house.

(3) The distrainer may also in the presence of the Police Officer sent to the spot under sub-section (2), after requiring the removal of women from an apartment which is appropriated for their residence and by the usage of the country is considered private, and after furnishing means for their removal in a suitable manner, enter the apartment for the purpose of distraining the defaulter's property deposited therein; but the property, if found, shall be immediately removed from the apartment, which shall thereupon be left free for the former occupants.

81. Punishment for unlawful entry :-

If, in contravention of the last foregoing section, a distrainer breaks open the outer door of a dwelling house or enters an apartment which he has reason to believe is appropriated for the residence of women and by the usage of the country considered private, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees.

82. Proclamation of sale :-

(1) The Officer empowered under this Chapter to sell distrained property shall cause to be posted on the outer door of the defaulter's house or at the place where the property was distrained, an inventory of the property to be sold, with a notice specifying the place where, and the day and hour on and at which, the property is to be sold, and shall cause proclamation of the intended sale to be made by posting a copy of the inventory and notice on the village meeting-place, or by beat of drum or other customary mode as the place where the arrear accrued and at such other place or places (if any) as the ¹ [Assistant Commissioner] or an Officer empowered by the ²[Assistant Commissioner] in this behalf, may think fit.

(2) Unless the property distrained is, in the opinion of the Officer empowered as aforesaid, perishable, the sale shall not take place till after the expiration of fifteen days from the day on which the inventory and

1. Substituted by Schedule II of Coorg Act VI of 1940

83. Mode of sale :-

- (1) At the appointed time the property shall be put up in one or more lots as the Officer conducting the sale deems advisable, and shall be sold to the highest bidder.
- (2) Where the purchase money exceeds the amount of the arrear, the surplus shall be paid to the defaulter.

84. Payment of purchase-money :-

- (1) The property shall be paid for in ready money at the time of sale or as soon after as the Officer conducting the sale appoints, and the purchaser shall not be permitted to take away any part of the property until he has paid the purchase-money in full.
- (2) Where the purchaser fails to pay the purchase-money as required under sub-section (1), the property shall be resold, and the defaulting purchaser shall be liable for any loss arising, as well as for the expenses incurred, on the resale.
- (3) Such loss and expenses as aforesaid may be recovered from the defaulting purchaser as if they were an arrear under this Chapter.
- (4) Where the property on the resale is sold for a higher price than at the former sale, the balance shall be credited to the defaulter.

85. Time of making attachment :-

When the arrear has not been paid in pursuance of the terms of the notice of demand and no arrangement for securing the payment thereof has been entered into the satisfaction of the ¹[Assistant Commissioner], or of an Officer empowered by the ²[Assistant Commissioner] in this behalf, the ³[Assistant Commissioner] or an Officer empowered by the ⁴ [Assistant Commissioner] in this behalf, may order the attachment of the defaulter's land or other immovable property.

1. Substituted by Schedule II of Coorg Act VI of 1940
2. Substituted by Schedule II of Coorg Act VI of 1940
3. Substituted by Schedule II of Coorg Act VI of 1940
4. Substituted by Schedule II of Coorg Act VI of 1940

86. Procedure in attachment :-

- (1) The attachment shall be made by posting a notice thereof on some conspicuous part of the property.
- (2) The notice shall set forth.

(a) the matters stated in Section 63, sub-section (1), clauses (b) and (c);

(b) a description of the property attached; and

(c) a warning to the defaulter that, unless the arrear is paid on or before a day to be specified in the notice, the property will be liable to be brought to sale.

(3) The attachment shall be further notified by beat of drum on the property and by posting a copy of the notice on a conspicuous place in the nad office and publishing the notice, if the ¹ [Assistant Commissioner] so directs, in the Local Official Gazette.

1. Substituted by Schedule II of Coorg Act VI of 1940

87. Power to assume management of attached property :-

(1) The ¹[Assistant Commissioner] or other Officer ordering the attachment may, at the time of the attachment or at any time during the attachment, assume the management of the property attached.

(2) In that case the ²[Assistant Commissioner] shall appoint an agent with a proper establishment to manage the property, and shall give the agent a certificate of appointment, with written instructions under his signature, and the expenses of management shall be defrayed out of the income of the property:

Provided that, where the property is too inconsiderable to admit of its being charged with the expense of maintaining an agent and his establishment, it shall be committed to the care of such Officer as the ³ [Assistant Commissioner] may appoint, and that Officer shall be subject to all the provisions of this Chapter with respect to agents.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

88. Notice of assumption of management :-

Notice of the assumption of management shall forthwith be served on the defaulter in the manner prescribed for the service of a notice of demand and shall be notified by beat of drum on the property and by posting a copy of the notice to the defaulter on a conspicuous place in the nad office and publishing the notice, if the

¹ [Assistant Commissioner] so directs, in the Local Official Gazette.

1. Substituted by Schedule II of Coorg Act VI of 1940

89. Duties of managing agent :-

(1) The agent shall, during the continuance of the management, collect the rents and profits due, or accruing due, upon the property.

(2) The agents shall also keep accounts of all his receipts and disbursements, and shall submit the accounts and pay over the balance to the ¹[Assistant Commissioner] or to an Officer empowered by the ²[Assistant Commissioner] in this behalf, monthly or whenever he is required by the ³ [Assistant Commissioner] or by such Officer to do so, and the defaulter shall be at liberty to inspect the accounts at all reasonable times and to take copies thereof at his own expense without payment of any fee.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

90. Liability of agent to prosecution or suit :-

The defaulter may proceed by prosecution or suit against the agent in respect of any criminal or illegal act done by him to the injury of the defaulter or his property, and tenants shall have the same remedies against the agent in respect of any act done by him as they would have had against the defaulter if the act had been done by the defaulter.

91. Effect of existing engagements between defaulter and tenants :-

(1) Engagements made between the defaulter and his tenants shall, subject to the provisions of sub-section (2), be binding upon the Government during the attachment.

(2) Engagements so made.

(a) collusively with a view to defeat or delay the effect of the attachment; or

(b) by way of lease at rates lower than the usual rates and not in good faith for the erection of factories or buildings or for the purpose of bringing waste land into cultivation; or

(c) after the attachment; shall be void as against the Government

if the ¹ [Assistant Commissioner] so declares:

Provided that any person aggrieved by a declaration of the [Assistant Commissioner] under this sub-section may institute a suit against the Government to establish the validity of the engagement, and that all charges and encumbrances upon property which has been attached, shall be postponed to the payment of the revenue and expenses consequent on the accrual of any arrear thereof.

1. Substituted by Schedule II of Coorg Act VI of 1940

92. Payments by tenants :-

Payments made by tenants before the date of the promulgation of the notice of the assumption of management to the defaulter, or to any person on his behalf, on account of rent or profits actually due at the time when the payments were made, shall be valid as against the Government; and all such payments made after the date of promulgation of that notice, or falling due after but made before that 1. Substituted by Schedule II of Coorg Act VI of 1940 2. Substituted by Schedule II of Coorg Act VI of 1940 3. Substituted by Schedule II of Coorg Act VI of 1940 4. Substituted by Schedule II of Coorg Act VI of 1940 date, shall be void as against the Government, which may recover, as arrears of rent, the full amount of the payments from the tenants by whom they were made, leaving such tenants to sue the defaulter in a Civil Court.

93. Withdrawal of attachment on liquidation of arrear :-

All sums received from the property attached, after payment of the current revenue and expenses of management, shall be carried to the credit of the defaulter in discharge of the arrear due at the time of the assumption of management; and, as soon as the arrear has been so liquidated, the attachment shall be withdrawn and a full account rendered to the defaulter of all receipts and disbursements during its continuance.

94. Release of property by person interested :-

Any person claiming an interest in property which has been or is about to be attached for the recovery of an arrear, may obtain its release by paying the arrear, and, where the property has been attached and expenses of management have been incurred, those expenses, and any such payment, if made by a tenant, may be deducted from any rent then or afterwards due from him to the defaulter, and, if made by a mortgagee or other encumbrancer,

shall constitute a debt from the defaulter to him and be a charge upon the property, but shall only take priority over other charges according to the date at which the payment was made.

95. Power of Assistant Commissioner to order sale of attached property :-

If the ¹ [Assistant Commissioner] is of opinion that immovable property attached under this Chapter, whether or not management thereof has been assumed, should be sold, he may order the sale, and thereupon the provisions of the next following sections shall apply.

1. Substituted by Schedule II of Coorg Act VI of 1940

96. Mode of sale :-

(1) The sale of the property shall be by public auction to the highest bidder.

(2) The time and place of sale shall be fixed by the ¹[Assistant Commissioner], or by an Officer empowered by the ²[Assistant

(3) The ³ [Assistant Commissioner] or Officer aforesaid may from time to time postpone the sale.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

97. Notice of sale :-

(1) Before the sale the ¹[Assistant Commissioner], or an Officer empowered by the ²[Assistant Commissioner] in this behalf, shall issue a notice thereof in English and in Kanarese, stating whether the property is to be sold for the recovery of an arrear due in respect thereof or for the recovery of any other sum than such an arrear, and specifying the name of the defaulter, the amount of the arrear and the period in respect of which the arrear is due, the position and extent of the property and of the buildings (if any) thereon, the amount of the revenue assessed on the property or on its several parts, and the time, place and condition of sale.

(2) The notice shall be posted for one month at least before the sale on a conspicuous place in the ³[Assistant Commissioner's office], the taluk office and the nad office, and on some conspicuous part of the property.

(3) In the case of a coffee-estate exceeding fifty acres in extent, and in any other case in which it may appear to the ⁴ [Assistant Commissioner] to be desirable, a notice of the intended sale shall also be published at least one month before the sale in the Coorg District Gazette or in one or more of newspapers having a circulation in Coorg.

1. Substituted by Schedule II of Coorg Act VI of 1940
2. Substituted by Schedule II of Coorg Act VI of 1940
3. Substituted by Schedule II of Coorg Act VI of 1940
4. Substituted by Schedule II of Coorg Act VI of 1940

98. Payment of purchase-money :-

(1) A sum equal to fifteen per cent of the purchase-money of the property shall ¹[immediately after] the sale be deposited by the purchaser with the Officer conducting the sale; and, where the remainder of the purchase-money is not paid within thirty days from that day, the sum so deposited shall be liable to forfeiture by order of the ²[Assistant Commissioner], and may, by a like order, be applied in reduction of the arrear for the recovery of which the sale was held.

(2) Where the purchaser refuses or omits to deposit the sum, immediately after the sale or to complete within thirty days from the day of the sale the payment of the remaining purchase money, the property shall be resold at the risk and expense of the recusant or defaulting purchaser, and the loss

(3) Where the property on the resale is sold for a higher price than at the former sale, the increase shall be credited to the defaulter.

³ [(4) The provisions of the first, second and third sub-sections of this section shall not apply to immovable property sold under this Regulation which is purchased by the Government]

1. Substituted by Coorg Act I of 1942
2. Substituted by Schedule II of Coorg Act VI of 1940
3. Substituted by Coorg Act II of 1938

99. Agent to name their principals :-

(1) Any person bidding at the sale may be required by the Officer conducting the sale to state whether he is bidding on his own behalf or as an agent, and in the latter case to produce a written authority signed by his principal.

(2) If the person does not comply with the requisition, his bid may be rejected.

100. Tender of arrear up to sunset of last office day before sale :-

(1) The defaulter, or any person acting on his behalf or claiming an interest in the property may, at any time before sunset on the last office day preceding the day fixed for the sale, pay to the Officer who is to conduct the sale the full amount of the arrear and of the expenses of management (if any), and thereupon the sale shall be stayed.

(2) Any such payment made by a tenant, or by a mortgagee or other encumbrancer, shall be deemed to be a payment made under Section 94.

100A. Application to set aside sale of immovable property on deposit :-

1 (1) The defaulter, or any person acting on his behalf or claiming an interest in the property may, at any time within thirty days from the date of sale, deposit in the treasury of the taluk in which the property is situated.

(a) a sum equal to 5 per centum of the purchase money;

(b) a sum equal to the arrears of revenue for which the property was sold, together with the expenses of attachment, management, if any, sale and other costs due in respect of such arrears, and may apply to the Assistant Commissioner to set aside the sale.

(2) If such deposit and application are made within thirty days from the date of sale, the Assistant Commissioner shall pass an order setting aside the sale, and shall repay to the purchaser the purchase money so far as it has been deposited together with the 5 per centum deposited by the applicant.

(3) If a person applies under Section 102 to set aside the sale of the property, he shall not, unless he withdraws such application, be entitled to make an application under this section.]

1. Inserted by CoorgAct II of 1947

101. Report of sale to Assistant Commissioner :-

1 Every sale of immovable property under this Chapter shall be reported to the 2[Assistant Commissioner] by the Officer

conducting it.

1. Substituted by Schedule II of Coorg Act VI of 1940

102. Application to set aside sale :-

(1) At any time within the thirty days from the date of the sale application may be made to the ¹[Assistant Commissioner] to set aside the sale on the ground of some material irregularity or mistake or fraud in publishing or conducting it.

(2) But, except as provided in the next following section, a sale shall not be set aside on the ground of irregularity or mistake unless the applicant proves to the satisfaction of the ²[Assistant Commissioner] that he has sustained substantial injury thereby.

(3) If the application be allowed, the ³ [Assistant Commissioner] shall set aside the sale and direct a fresh one.

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

103. Order confirming or setting aside of sale :-

(1) After the expiration of thirty days from the date of sale, ¹[if no application to have the sale set aside is made under Section 100-A or under sub-section (1) of Section 102], or if such application has been made and rejected, the ²[Assistant Commissioner] shall make an order confirming the sale; and, if such application has been made and allowed, the ³[Assistant Commissioner] shall make an order setting aside the sale:

Provided that, if the ⁴[Assistant Commissioner] has reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(2) An order of the ⁵[Assistant Commissioner] setting aside a sale under this section shall be final.

(3) An order of the ⁶[Assistant Commissioner] confirming a sale under this section shall be final.

(a) on the expiration of thirty days from the date thereof, if an appeal therefrom is not preferred to the ⁷[State Government]

within that period;

(b) on the disposal of an appeal so preferred when the appellate order of the ⁸[State Government] confirms the order of the ⁹[Assistant Commissioner.]

1. Inserted by Coorg Act II of 1947
2. Substituted by Schedule II of Coorg Act VI of 1940
3. Substituted by Schedule II of Coorg Act VI of 1940
4. Substituted by Schedule II of Coorg Act VI of 1940
5. Substituted by Schedule II of Coorg Act VI of 1940
6. Substituted by Schedule II of Coorg Act VI of 1940
7. Substituted by A.O.1950
8. Substituted by A.O. 1950
9. Substituted by Schedule II of Coorg Act VI of 1940

104. Refund of purchase money on setting aside of sale :-

Whenever a sale of property is set aside, the purchaser shall be entitled to receive back his purchase-money.

105. Fresh notice after postponement or on resale :-

¹ A sale made after a postponement or on the setting aside of a first sale, or a resale consequent on a purchaser's default under Section 98, except where such resale takes place the same day in default of payment of fifteen per cent of the purchase money, shall be made after the issue and promulgation of a fresh notice in the manner hereinbefore prescribed for the sale.

1. Substituted by Coorg Act I of 1942

106. On sale becoming absolute possession and certificate to be granted to purchaser :-

(1) After an order of the ¹[Assistant Commissioner] confirming a sale has become final in manner aforesaid, the ² [Assistant Commissioner] shall put the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property.

(2) Till the purchaser is put into possession, the property shall remain under attachment.

(3) The certificate granted under sub-section (1) shall be deemed to effect a valid transfer of the property, but need not be registered as a conveyance.

(4) Any suit brought against the certified purchaser on the ground that the purchase was made on behalf of another person not the

certified purchaser, shall be dismissed with costs.

(5) The person named in the certificate as the purchaser of any immovable property shall be liable for all instalments of revenue falling

1. Substituted by Schedule II of Coorg Act VI of 1940
2. Substituted by Schedule II of Coorg Act VI of 1940

107. Application of proceeds of sale :-

(1) When the purchaser has been put into possession of the property sold, the proceeds of the sale shall be applied in the first place to the payment of any arrears due to the Government from the defaulter on the day on which the order confirming the sale became final, whether those arrears are of revenue or of sums recoverable as arrears of revenue, and the surplus (if any) shall be paid to the person whose property has been sold, or, if the property was owned by more than one person, then to those persons either collectively or according to the extent of their respective interests, as the ¹ [Assistant Commissioner] thinks fit.

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

1. Substituted by Schedule II of Coorg Act VI of 1940

108. Effect on encumbrances of sale of property for an arrear due in respect thereof :-

(1) Subject to the provisions of this section with respect to engagements made between the defaulter and his tenants, immovable property brought to sale under this Chapter for the recovery of an arrear due in respect thereof shall be sold free of all encumbrances, and all grants and contracts previously made by any person other than the purchaser in respect of the property shall become void as against the purchaser.

(2) The provisions of Section 91 with respect to the validity or invalidity, as against the Government, of such engagements as are referred to in that section shall, so far as they can be made applicable, apply, as against the purchaser, to such engagements as have been made between the defaulter and his tenants:

Provided that an engagement, which has not before the sale been declared under that section to be void, shall not be liable to be set aside otherwise than by suit at the instance of the purchaser.

109. Effect on encumbrances of sale of property for a sum other than an arrear due in respect thereof :-

¹ When immovable property is brought to sale under this Chapter for the recovery of any other sum than an arrear due in respect thereof, such property shall, except in the cases hereinafter excepted, be sold free of all encumbrances, and all grants and contracts previously made by any person other than the purchaser in respect of the property shall become void as against the purchaser.

Exception 1. Engagements made between the defaulter and his tenants shall be subject to the provisions of Section 108, sub-section (2), and shall not except as therein provided, be rendered invalid by any sale under this section.

Exception 2. No encumbrance, grant or contract created or made in good faith entered before the notification of attachment in the record-of-rights as amended in accordance with the provisions of Chapter VI, shall be rendered invalid by any sale under this section,

1. Section 1Q9 substituted by Section 2 of the Coorg Land and Revenue (Amendment) Regulation, 1908 (1 of 1908)

110. Effect of sale on lands held revenue-free or at favourable rates :-

When jama or umbli land, or other land held wholly or partially free of revenue, is sold under this Chapter, whether for the recovery of an arrear due in respect thereof or for the recovery of any other sum, the privileges attaching to the tenure of the land with respect to the assessment of land revenue shall be extinguished by the sale:

Provided that in the case of land the revenue of which is assigned to a temple or other institution, the assignment to the temple or institution shall not be affected thereby.

111. Provisions with respect to rent and profits of property sold :-

(1) The person named in a certificate as purchaser of any immoveable property shall be entitled to any rent or profits falling due in respect of the property after the day on which the order confirming the sale has become final, notwithstanding that payment thereof may have been made on or before that day.

(2) So long after that day as any demand of the Government

against the defaulter or the property remains unsatisfied, the Government shall be entitled to any arrears of rent or profits which fell due in respect of the property on or before that day.

(3) When all such demands have been satisfied, the defaulter shall be entitled to such of those arrears as may then be outstanding, and may recover them by any process, except attachment of crops or products, which may be used by a landholder for the recovery of arrears of rent or profits.

(4) The defaulter shall also be entitled to any balance of the rents or profits of the property which, after satisfaction of all such demands as aforesaid, may remain in the possession of the Government after the day on which the order confirming the sale has become final.

112. Sale of part only of property :-

Subject to the foregoing provisions of this Chapter, the whole or any part of the immovable property of a defaulter may be sold in discharge of an arrear:

Provided that, where the property consists of a farm which is readily divisible into compact blocks, no more of the property shall be sold than may be sufficient to discharge the arrear with expenses of management (if any).

113. Postponement of sale on tender of security :-

(1) If a defaulter tenders security, the ¹[Assistant Commissioner,] or an Officer empowered by the ²[Assistant Commissioner] in this behalf, may accept it, and postpone the sale of the defaulter's immovable property upon such conditions and till such time as the ³[Assistant Commissioner] or such Officer may appoint.

(2) In the event of default being made in the performance of any of those conditions, the ⁴ [Assistant Commissioner] or such Officer as aforesaid may, after the issue and promulgation of a fresh notice as required by Section 105, sell the property and proceed against the defaulter or his surety or both for the recovery of any balance of the arrear and the expenses of management (if any).

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

4. Substituted by Schedule II of Coorg Act VI of 1940

114. Mode of enforcing payment by sureties :-

All the remedies prescribed by this Chapter in the case of a defaulter may be employed against his surety, and the ¹[Assistant Commissioner], or an Officer empowered by the ² [Assistant Commissioner] in this behalf, may enforce those remedies simultaneously with, or either previously or subsequently to, their enforcement against the principal:

Provided that no more than the arrear and the expenses of management (if any) shall be realized from both.

1. Substituted by Schedule II of Coorg Act VI of 1940
2. Substituted by Schedule II of Coorg Act VI of 1940

115. Recovery of fees and other dues :-

Fees, fines, costs and other charges, ¹ [xxx xxx xxx] payable under this Regulation or the rules thereunder, and all moneys falling due to the Government under any grant, lease or contract which provides that they shall be so recoverable, may be recovered in the same manner as an arrear of revenue under this Chapter.

1. The words "including the Village Officers' cess" omitted by the Repealing and Amending (Rates and Cesses') Act, 1907 (IV of 1907)

116. Receipts for revenue :-

(1) Every person making a payment of revenue shall be entitled to a receipt therefor signed by the ¹[Assistant Commissioner] or by an Officer empowered by the ²[Assistant Commissioner] in this behalf.

(2) The receipt shall state the name of the person making the payment and the subject-matter in respect of which the payment is made, and, in the case of land revenue, shall describe the land on which the revenue was due and set forth the names of the persons entered in respect thereof in the settlement account.

CHAPTER 10

Surveys and Boundaries

117. Rules for demarcation of boundaries and erection of survey marks :-

(1) The ¹ [State Government] may make rules as to the manner in which the boundaries of all or any estates in any local area are to be demarcated, and as to the survey-marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters, the form of survey marks and the material to be used in their construction.

1. Substituted by A.O. 1950

118. Power of Revenue Officers to define boundaries :-

(1) A Revenue Officer may, for the purpose of framing any record or making any assessment under this Regulation, or on the application of any person interested, define the limits of any estate, village, holding, field or other portion of an estate and may, for the purpose of indicating those limits, require survey marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1) the Revenue Officer may cause survey marks to be erected on any boundary already determined by, or by order of, any Court, Survey Officer, Revenue Officer or Forest settlement Officer, or restore any survey mark already set up by, or by order of, any Court or any such Officer.

119. Cost of erection and repair of survey marks :-

Survey marks shall be erected and kept in repair by, or at the cost of, the persons interested in the land for the indication of the limits of which they are required:

Provided that the ¹[State Government] may in any case direct that the cost of erection shall be borne by the Government ² [xx xx xx.]

1. Substituted by A.O. 1950

2. The words "or paid out of the proceeds of the Village Officers' cess" omitted by the Repealing and Amending (Rates and Cesses) Act, 1907 (IV of 1907)

120. Recovery of cost incurred by the Government :-

If the persons interested in the land fail to erect or repair a survey mark within thirty days from the date of their being required by a Revenue Officer to do so, the Revenue Officer may cause it to be erected or repaired, and may apportion the cost among the persons interested in the land in such manner as he deems just, certifying the same to the ¹ [Assistant Commissioner.]

1. Substituted by Schedule II of Coorg Act VI of 1940

121. Power of Revenue Officer to enter on land for purposes of survey and demarcation :-

Every Revenue Officer and every person acting under the orders of a Revenue Officer may, in the discharge of any duty under this Regulation, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

122. Surveys for purpose of preparing records :-

(1) When any land is being surveyed in pursuance of rules under Section 41, clause (c), a Revenue Officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate within a specified time by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

(2) If a person to whom such notice or proclamation as aforesaid is addressed fails to comply with the requisition, he shall be liable, in the discretion of the Revenue Officer, to fine which may extend to ten rupees.

123. Provision of flag-holders and chainmen for those surveys :-

(1) For the purposes of the survey of any land in pursuance of rules under Section 41, clause (c), the landholders interested shall be bound to provide fit persons to act as flag-holders and chainmen.

(2) If the landholders fail to provide such persons or to provide them in sufficient number, the Revenue Officer may employ such persons as ¹ [Assistant Commissioner.]

1. Substituted by Schedule II of Coorg Act VI of 1940

124. Professional surveys :-

(1) If it is necessary to make a survey by other agency than that of Revenue Officers, or Village Officers the ¹ [State Government] may publish a notification stating.

(a) the local area to be surveyed and the nature of the survey;

(b) the names or official designations of the Officers by whom the survey is to be made; and

(c) the kind of survey marks to be erected by those Officers.

(2) From the date of such notification the Officers specified therein and the persons acting under their orders shall have, for the

purposes of the survey, the powers conferred on Revenue Officers by Section 121.

1. Substituted by A.O. 1950

125. Penalty for destruction, injury or removal of survey marks :-

(1) If any person wilfully destroys or injures, or without lawful authority removes, a survey mark lawfully erected, he may be ordered by a Revenue Officer to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of the Revenue Officer, be necessary to defray the expenses of restoring the same and of rewarding the person (if any) who gave information of the destruction, injury or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under Section 434 of the Indian Penal Code.

126. Report of destruction or removal of, or injury to, survey marks :-

Every Village Officer of an estate shall be legally bound to furnish a Revenue Officer with information respecting the destruction or removal of, or any injury done to, any survey mark lawfully erected on the estate.

CHAPTER 11
Arbitration

127. Power to refer to arbitration :-

(1) A Revenue Officer may, with the consent of the parties, refer to arbitration any dispute arising before him in any matter under this Regulation.

(2) ¹ [The Assistant Commissioner] may, without the consent of the parties, refer to arbitration any dispute arising before him under this Regulation with respect to.

(a) any matter of which an entry is to be made in any record or register under Chapter VI; or

(b) the limits of any estates or of any holding, field or other portion of an estate; or

(c) the property to be divided at a partition or the mode of making a partition.

1. Substituted by Schedule II of Coorg Act VI of 1940

128. Order of reference and contents thereof :-

(1) In referring a dispute to arbitration a Revenue Officer shall make an order of reference, and specify therein the precise matter submitted to arbitration, the number of arbitrators which each party to the dispute is to nominate, the period within which arbitrators are to be nominated, and the period within which the award is to be delivered.

(2) The number of arbitrators which each party may nominate shall be the same and shall not exceed two.

(3) If from any cause, arbitrators are not nominated, or an award is not delivered, within the period fixed therefor in the order of reference, the Revenue Officer may from time to time enlarge that period, or may cancel the order of reference.

129. Nomination of arbitrators :-

(1) When an order of reference has been made, the parties may each nominate the number of arbitrators specified in the order, and the Revenue Officer shall nominate one other arbitrator.

(2) The Revenue Officer may, for reasons to be recorded by him, make an order disallowing any nomination made by either party and requiring the party to make another nomination within a time to be specified in the order.

(3) An order under sub-section (2) shall be final.

130. Substitution of arbitrators by parties :-

If an arbitrator nominated by a party dies, desires to be discharged, or refuses or becomes incapable to act, the party may nominate another person in his stead.

131. Nomination on substitution of arbitrators by Revenue Officers :-

In any of the following cases, namely.

(a) if either of the parties fails to nominate an arbitrator under Section 129, sub-section (1), within the period fixed in the order of reference; or

(b) if the nomination of an arbitrator has been disallowed under Section 129, sub-section (2), and another arbitrator is not

nominated within the time specified in the order under that sub-section or having been so nominated his nomination is also disallowed or

(c) if a party entitled to nominate an arbitrator in the place of another arbitrator under Section 130 fails to nominate him within one week from the date of the communication to him of a notice requiring him to make the nomination; or

(d) if an arbitrator nominated by the Revenue Officer dies, desires to be discharged, or refuses or becomes incapable to act, the Revenue Officer may nominate a person as arbitrator.

132. Process for appearance before arbitrators :-

(1) The Revenue Officer shall, on the application of the arbitrators, issue the same processes to the parties and witnesses whom the arbitrators desire to examine, as he may issue in any proceeding under this Regulation before himself.

(2) Every such party or witness shall be bound to appear before the arbitrators in obedience to a process issued under sub-section (1), either in person or by agent, as the arbitrators may require.

(3) Every person attending in obedience to such process shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as may be specified in the process.

133. Award of arbitrators and presentation thereof :-

(1) The arbitrators shall make an award in writing under their hands concerning the matters referred to them for arbitration and state therein their reasons therefor, and any arbitrator dissenting from the award made by a majority of the arbitrators shall state the grounds of his dissent.

(2) The arbitrators shall present the award to the Revenue Officer in person, unless that Officer permits them to present it by agent.

134. Procedure on presentation of award :-

(1) When the award has been received, the Revenue Officer shall, if the parties are present, consider forthwith any objections which they may have to make thereto, and, if they are not present, fix a date for the consideration thereof.

(2) Where a date has been fixed for the consideration of an award, the Revenue Officer shall on that date, or on any subsequent date to which an adjournment may be made, hear any objections which the parties may have to make to the award.

(3) The Revenue Officer may also, if he thinks fit, question the arbitrators as to the grounds of their award.

135. Effect of award :-

(1) The Revenue Officer may accept, modify or reject the award, recording his reasons for doing so in his decision respecting the dispute which was referred to arbitration.

(2) If the reference to arbitration was made with the consent of the parties and if the Revenue Officer accepts the award, his decision shall be final.

(3) If the reference to arbitration was made without the consent of the parties, or if the Revenue Officer modifies or rejects the award, an appeal shall lie from his decision as if arbitrators had not been appointed.

CHAPTER 12

Supplemental Provisions

136. Execution of orders of Civil and Criminal Courts by Revenue Officers :-

Orders issued by any Civil or Criminal Court for the attachment, sale or delivery of any land or interest in land, or for the attachment or sale of the produce of any land, shall be addressed to the ¹[Assistant Commissioner] or such Revenue Officer as the ²[Assistant Commissioner] may appoint in this behalf, and be executed by the ³[Assistant Commissioner] or such Officer as aforesaid in accordance with the provisions of the law applicable to the Court issuing the orders and with any rules consistent therewith made by the ⁴ [State Government.]

1. Substituted by Schedule II of Coorg Act VI of 1940

2. Substituted by Schedule II of Coorg Act VI of 1940

3. Substituted by Schedule II of Coorg Act VI of 1940

4. Substituted by the A.O.1950

137. Attachment of assigned land revenue :-

(1) Notwithstanding anything in any other enactment for the time being in force, an order issued by any Court for the attachment of

assigned land revenue shall require the person by whom the revenue is payable, to pay it to a Revenue Officer, and the Revenue Officer to hold it subject to the further orders of the Court.

(2) A payment to a Revenue Officer under sub-section (1) shall be an effectual discharge to the person making it.

138. Confiscation of assignment in default of service :-

If a landholder bound to render service in consideration of his holding land wholly or partially free of revenue fails to render such service to the satisfaction of the ¹[Assistant Commissioner], the ²[Assistant Commissioner] may determine the portion of the land revenue which is represented by the service in respect of which the landholder is in default, and with the previous sanction of the ³[State Government], recover that portion as if it were an arrear of land revenue due in respect of the land for the land revenue whereof the service was substituted.

1. Substituted by Schedule II of Coorg Act VI of 1940
2. Substituted by Schedule II of Coorg Act VI of 1940
3. Substituted by A.O. 1950

139. Recovery of cost of assessing assigned land revenue :-

(1) When land of which the land revenue has been assigned in whole or in part, is reassessed, the assignee shall be liable to pay such share of the cost of making the reassessment as the ⁵[State Government] may determine to be just.

(2) Such share may be recovered by the ¹ [Assistant Commissioner] by deduction of the amount thereof from the land revenue due to the assignee.

1. Substituted by Schedule II of Coorg Act VI of 1940

140. Papers kept by Village Officers to be deemed public documents :-

(1) Any record or paper which a Village Officer is required by law or by any rule under this Regulation to prepare or keep shall be deemed to be the property of the Government.

(2) A Village Officer shall, with respect to any such record or paper in his custody, be deemed for the purposes of the Indian Evidence Act, 1872, to be a Public Officer having the custody of a public document which any person has a right to inspect.

141. Costs :-

A Revenue Officer may give and apportion the cost of any proceeding under this Regulation in such manner as he thinks fit:

Provided that if he orders that the cost of any such proceeding shall not follow the event, he shall record his reasons for the order.

142. Restrictions on Revenue Officers bidding at auctions or trading or acquiring land :-

No Revenue Officer or person employed in a Revenue Office shall

(a) purchase, or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which any Revenue Officer has ordered to be sold;

(b) ¹ [xx xx xx xx.]

1. Deleted by A.O. 1937

143. Power to make rules :-

(1) The ¹[State Government] may, in addition to the other rules, which may be made by it under this Regulation, make rules, not inconsistent with this Regulation, or with any other enactment for the time being in force.

(a) Prescribing the fees to be charged for the service and execution of processes issued by Revenue Officers, the mode in which those fees are to be collected, the number of persons to be employed in the service and execution of those processes, and the remuneration and duties of those persons;

(b) regulating the procedure in cases where persons are entitled to inspect records of Revenue Officers, or records or papers in the custody of Village Officers, or to obtain copies of the same, and prescribing the fees payable for searches and copies;

(c) prescribing forms for such books, entries, statistics and accounts as the ²[State Government] may think necessary to be kept, made or compiled in revenue offices or submitted to any authority;

(d) declaring what shall be the language of those offices, and determining in what cases persons practising in those offices shall be permitted to address the Presiding Officers thereof in English;

³[(e) permitting and regulating the partition of interests in land, carrying out such partition and giving any directions consequent

thereon, in cases in which the cognizance of the Civil Courts is barred by clause (xv) of Section 145;

(ee) providing for the execution of decrees of the Civil Courts for the partition of interests in agricultural land by Revenue Officers and prescribing the procedure to be observed in the execution of such decrees; and

(f) generally, for carrying out the purposes of this Regulation.(2) Rules made by the 1[State Government] under sub-section (1), clause

(e) ⁴[or ee], shall not take effect until they have been sanctioned by the ⁵ [Central Government.]

1. Substituted by A.O. 1950

2. Substituted by A.O. 1950

3. Clauses (e) and (ee) substituted by the Coorg Land and Revenue (Amendment) Regulation, 1907 (IV of 1907), Section 2(1).

4. The word and letters inserted by the Coorg Land Revenue (Amendment) Regulation, 1907 (IV of 1907), Section 2(2)

5. Substituted by A.O. 1937

144. Rules to be made after previous publication :-

Every power to make rules under this Regulation is subject to the control of the ¹ [Central Government], and to the condition, except in the case of rules under Section 143, sub-section (1), clause (c), of the rules being made after previous publication.

1. Substituted by A.O. 1937

145. Bar of suits in certain matters :-

Except as otherwise provided by this Regulation, no suit shall be brought in any Civil Court in respect of any of the following matters, namely.

(i) the limits of any land which has been defined by a Revenue Officer as land to which this Regulation does or does not apply;

(ii) any claim to compel the performance of any duties imposed by this Regulation or by any other enactment for the time being in force or any Revenue Officer as such;

(iii) any claim to the office or emoluments of parpattigar or Village Officer or in respect of any injury caused by exclusion from such office, or to compel the performance of the duties or a division of the emoluments thereof;

- (iv) any notification directing the making or revision of a record-of-rights;
- (v) the framing of a record-of-rights or annual record, or the preparation, signing or attestation of any of the documents included in such a record;
- (vi) the correction of any entry in a record-of-rights, annual record or register of mutations;
- (vii) any notification of a general assessment having been sanctioned by the ¹[Central Government];
- (viii) the claim of any person as to liability for an assessment of land revenue or of any other revenue under this Regulation;
- (ix) the amount of land revenue to be assessed on any holding under this Regulation;
- (x) the amount of, or the liability of any person to pay, any other revenue to be assessed under this Regulation, or any cess, charge or rate to be assessed on any holding under this Regulation or under any other enactment for the time being in force;
- (xi) any claim to hold free of revenue or at favourable rates any land, mills, fisheries or natural products of land or water;
- (xii) any claim connected with or arising out of the collection of the land revenue by the Government or the enforcement by the Government of any process for the recovery thereof;
- (xiii) any claim to set aside on any ground, other than fraud, a sale for the recovery of an arrear of land revenue or any sum recoverable as an arrear of land revenue;
- (xiv) the amount of, or the liability of any person to pay, any fees, fines, costs or other charges imposed under this Regulation;
- (xv) any claim for the partition of an estate or holding or any question as to the allotment of land, when such estate, holding or land is one of which the land revenue has been wholly or partly assigned or released, or which is held as joint family property by persons of the Coorg race, or any claim for the distribution of land revenue on partition, or any other question connected therewith, not being a question as to the partibility of, or the title to, the property of which partition is sought.

(xvi) any claim arising out of the liability of an assignee of land revenue to pay a share of the cost of collecting or reassessing such revenue, ² [xx xx xx xx]

1. Substituted by A.O. 1937

2. The words "or arising out of the liability of an assignee to pay out of assigned land revenue or of a person who would be liable for land revenue, if it had not been released, compounded for or redeemed, to pay on the land revenue for which he would but for such release, composition or redemption be liable, such a percentage for the remuneration of a Village Officer as may be prescribed by rules for the time being in force under this Regulation "in clause (xvi) of Section 145 omitted by the Repealing and Amending (Rates and Cesses) Act, 1907 (IV of 1907)

SCHEDULE 1

SCHEDULE

SCHEDULE 2

Form of Warrant to be issued by the Assistant Commissioner under Section 46

THE SECOND SCHEDULE

Form of Warrant to be issued by the Assistant Commissioner under Section 46

Seal.

To the Officer-in-charge of the Civil Jail at

Whereas A.B. of..... has resisted (or obstructed) C.D. in removing E.F. (or himself, that is, the said A.B.) from certain land in the estate of..... in the.....taluk, and whereas it is necessary, in order to prevent the continuance of such obstruction (or resistance), to commit the said A.B. to close custody; you are hereby required, under the provisions of Section 46 of the Coorg Land and Revenue Regulation, 1899, to receive the said A.B. into the jail under your charge, and there to keep him in safe custody for.....days.

Dated this day of

SCHEDULE 3

Form of Warrant to be issued by the Assistant Commissioner under Section 65

THE THIRD SCHEDULE

Form of Warrant to be issued by the Assistant Commissioner under Section 65

Seal.

To the Officer-in-charge of the Civil Jail

at Whereas A.B. of.....taluk

	Rs.
Land-revenue Rates and cesses Other items	
Total	